

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix L ... has been added to the 2017 LRB-6071**

Appendix A ☞ LRB 17-5979

Appendix B ☞ LRB 17-5982

Appendix C ☞ LRB 17-5983

Appendix D ☞ LRB 17-5986

Appendix E ☞ LRB 17-5989

Appendix F ☞ LRB 17-5995

Appendix G ☞ LRB 17-5998

Appendix H ☞ LRB 17-6006

Appendix I ☞ LRB 17-6007

Appendix J ☞ LRB 17-6012

Appendix K ☞ LRB 17-6021

Appendix L ☞ LRB 17-6023

Appendix M ☞ LRB 17-6024

Appendix N ☞ LRB 17-6027

Appendix O ☞ LRB 17-6028

Appendix P ☞ LRB 17-6031

Appendix Q ☞ LRB 17-6036

Appendix R ☞ LRB 17-6037

Appendix S ☞ LRB 17-6038

Appendix T ☞ LRB 17-6046

Appendix U ☞ LRB 17-6047

Appendix V ☞ LRB 17-6048

Appendix W ☞ LRB 17-6049

Appendix X ☞ LRB 17-6050

Appendix Y ☞ LRB 17-6052

Appendix Z ☞ LRB 17-6059

Appendix AA ☞ LRB 17-6065

Appendix BB ☞ LRB 17-6067

2017 DRAFTING REQUEST

Bill

For: **Robin Vos (608) 266-9171** Drafter: **mduchek**
 By: **Steve** Secondary Drafters:
 Date: **11/15/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Vos@legis.wisconsin.gov**
 Carbon copy (CC) to: **steve.fawcett@legis.wisconsin.gov**
alicia.schweitzer@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Presumption in 227 that agency has complied with rule-making process

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 11/16/2018				
/P1		kfollett 11/16/2018	lparisi 11/16/2018		

FE Sent For: **<END>**

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/14/18 - Meeting w/ Steve and Alicia in Vos office
+ follow up on 11/16/18

- Eliminate presumption that agency gets when promulgating rules. Explained that even without presumption, party challenging has burden of proof under WRA v. PSC case. Steve says party still has to prove something not complied with, just no presumption.



State of Wisconsin
2017 - 2018 LEGISLATURE

In 11-16-18
Out 11-19-18

LRB-6023/P1
MED: 5 F

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** presumptions regarding the validity of administrative
2 rules.

Analysis by the Legislative Reference Bureau

Under current law, as the final step of the administrative rule process, an agency must file a certified copy of a rule with the Legislative Reference Bureau for publication. Filing a certified copy of a rule with the LRB creates a number of presumptions, including that the rule was duly promulgated by the agency and that all of the required rule-making procedures were complied with.

This bill eliminates the statutory presumptions that a rule was "duly" promulgated by the agency and that all of the required rule-making procedures were complied with.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 227.20 (3) (a) of the statutes is amended to read:
4 227.20 (3) (a) That the rule was duly promulgated by the agency.

History: 1985 a. 182; 1993 a. 214; 2005 a. 249; 2007 a. 20; 2013 a. 20, 277.

Cross-reference: See s. 902.03 for provision for judicial notice of administrative rules.

5 **SECTION 2.** 227.20 (3) (c) of the statutes is repealed.

****NOTE: The presumptions in this section were addressed and discussed in the case *Wisconsin Realtors Association v. Public Service Commission of Wisconsin*, 2015 WI 63, specifically in paragraphs 66 and 67 and footnote 26.

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(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6023/P1
MED:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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2 **relating to:** presumptions regarding the validity of administrative rules.

Analysis by the Legislative Reference Bureau

Under current law, as the final step of the administrative rule process, an agency must file a certified copy of a rule with the Legislative Reference Bureau for publication. Filing a certified copy of a rule with the LRB creates a number of presumptions, including that the rule was duly promulgated by the agency and that all of the required rule-making procedures were complied with.

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